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2 **GAMAGE & GAMAGE** *in assoc. with*
3 231 S. 3rd Street, Suite 285
4 Las Vegas, Nevada 89101
5 ANDREA N. ALEXANDER ESQ. (7577)
6 **KROHN & MOSS, LTD.**
7 10635 Santa Monica Blvd. Suite 170
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11 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

11 JACQUES SHATTO,
12 Plaintiff,

13 vs.

14 FIRST NATIONAL COLLECTION BUREAU,
15 INC. ,
16 Defendant.

Case No.:
Dept. No.:

**VERIFIED COMPLAINT AND DEMAND
FOR JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does not Exceed \$10,000

17 **COMPLAINT**

18
19 NOW COMES the Plaintiff, JACQUES SHATTO (“Plaintiff”), by and through his
20 attorneys, KROHN & MOSS, LTD., and for Plaintiff’s Complaint against Defendant, FIRST
21 NATIONAL COLLECTION BUREAU, INC., alleges and affirmatively states as follows:

22 **INTRODUCTION**

23 1. The United States Congress has found abundant evidence of the use of abusive,
24 deceptive, and unfair debt collection practices by many debt collectors, and has determined that
25 abusive debt collection practices contribute to the number of personal bankruptcies, to marital
26 instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair
27 Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (hereinafter “FDCPA”), to eliminate
28 abusive debt collection practices by debt collectors, to insure that those debt collectors who

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1 refrain from using abusive debt collection practices are not competitively disadvantaged, and to
2 promote consistent State action to protect consumers against debt collection abuses. (15 U.S.C.
3 1692(a) – (e)).

4 2. Plaintiff, through Plaintiff’s attorneys, brings this action to challenge the actions
5 of FIRST NATIONAL COLLECTION BUREAU, INC. (hereinafter “Defendant”) with regard
6 to attempts by Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly
7 owed by Plaintiff, and this conduct caused Plaintiff damages.

8 3. For the purposes of this Petition, unless otherwise indicated, “Defendant”
9 includes all agents, employees, officers, members, directors, heirs, successors, assigns,
10 principals, trustees, sureties, subrogees, representatives and insurers of Defendant named in this
11 caption.

12 **JURISDICTION AND VENUE**

13 4. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that
14 such actions may be brought and heard before “any appropriate United States district court
15 without regard to the amount in controversy”.

16 5. Because Defendant is located in and conducts business in the state of Nevada,
17 personal jurisdiction is established.

18 6. Venue is proper pursuant to 28 U.S.C. 1391(b)(1) and 1391(b)(2).

19 7. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

20 **PARTIES**

21 8. Plaintiff is a natural person who resides in the Londonderry, New Hampshire and
22 is obligated or allegedly obligated to pay a debt and is a “consumer” as that term is defined by
23 15 U.S.C. 1692a(3).

24 9. Plaintiff is informed and believes, and thereon alleges, that Defendant is a
25 business with an office in the city of Reno, County of Washoe, State of Nevada.

26 10. Plaintiff is informed and believes, and thereon alleges, that Defendant uses
27 instrumentalities of interstate commerce or the mails in any business the principal purpose of
28 which is the collection of any debts, or who regularly collects or attempts to collect, directly or

indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

11. Defendant places constantly and continuously places collection calls to Plaintiff seeking and demanding payment for a consumer debt Plaintiff does not owe.

12. Defendant places collection calls to Plaintiff using a machine recording, therefore Plaintiff is unable to get a representative on the phone.

13. Defendant calls Plaintiff and does not leave a message.

14. Defendant put marks on Plaintiff's credit.

15. Plaintiff did not receive a debt validation letter.

FIRST CLAIM FOR RELIEF

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,

(FDCPA), 15 U.S.C. § 1692 et seq.

22. Plaintiff repeats, reallages and incorporates by reference all of the foregoing paragraphs.

23. Defendant violated the FDCPA. Defendant's violations include, but are not limited to the following:

- a) Defendant violated §1692d of the FDCPA by conducting in a nature that has the natural consequence of which is to harass, oppress, or abuse any person.
- b) Defendant violated §1692d(5) of the FDCPA by causing the telephone to ring or engaged any person in telephone conversations repeatedly.
- c) Defendant violated §1692e(2)(a) of the FDCPA by falsely representing of the character, amount, or legal status of any debt.
- d) Defendant violated §1692f of the FDCPA by using any unfair or unconscionable means to collect or attempt to collect the alleged debt.

24. As a consequence of Defendant's foregoing actions, Plaintiff has suffered from stress, anxiety, humiliation (see Exhibit A).

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the

Defendant for the following:

1. Declaratory judgment that the Defendant's conduct violated the State Act, RFDCPA, and Federal Act, FDCPA.
2. Actual damages.
3. Statutory damages pursuant to the State Act, Cal. Civ. Code § 1788.30(b).
4. Statutory damages pursuant to the Federal Act, 15 U.S.C. 1692k.
5. Costs and reasonable attorney's fees pursuant to the State Act, Cal. Civ Code § 1788.30(c) and the Federal Act, 15 U.S.C. 1692k.
6. Any other relief that this court deems to be just and proper.

Dated this 10th day of August, 2009.

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KROHN & MOSS, LTD.

By: /s/ Andrea Alexander

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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, JACQUES SHATTO, hereby demands trial by jury in this action.

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NEW HAMPSHIRE)

Plaintiff, JACQUES SHATTO, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JACQUES SHATTO, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 8-11-09

 JACQUES SHATTO,
 Plaintiff

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EXHIBIT A

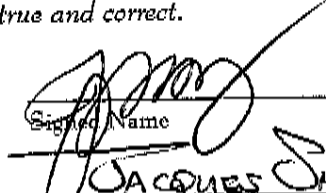
I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

- | | | |
|---|--------------------------------------|--------------------------|
| 1. Sleeplessness | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 2. Fear of answering the telephone | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 3. Nervousness | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 4. Fear of answering the door | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 5. Embarrassment when speaking with family or friends | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 6. Depressions (sad, anxious, or "empty" moods) | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 7. Chest pains | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 8. Feelings of hopelessness, pessimism | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 9. Feelings of guilt, worthlessness, helplessness | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 10. Appetite and/or weight loss or overeating and weight gain | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 11. Thoughts of death, suicide or suicide attempts | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 12. Restlessness or irritability | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 13. Headache, nausea, chronic pain or fatigue | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 14. Negative impact on my job | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 15. Negative impact on my relationships | <input checked="" type="radio"/> YES | <input type="radio"/> NO |

Other physical or emotional symptoms you believe are associated with abusive debt collection activities: I WORK 2ND SHIFT & THEY CALL ONE
AFTER THE OTHER. I WORK FOR A NASA APPROVED
EMPLOYER BUT LET GO A COUPLE YEARS BACK DUE TO
MY CREDIT REPORT

Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 8/1/09


Signed Name

JACQUES SHATTO
Printed Name